REMARKS

The first Office Action, mailed August 3, 2004, considered and rejected claims 1-39 in view of Frank (U.S. Patent No. 5,651,107) and Yoneda (U.S. Patent No. 6,587,118).[1]

By this paper, claim 39 has been cancelled, claims 1, 12, 17, 23 and 34 have been amended and new claims 40-42 have been added, such that claims 1-38 and 40-42 remain pending, of which claims 1, 12, 17, 22, 23 and 34 are the independent claims at issue.

Claims 1, 12 and 17 are directed to methods, whereas claims 22, 23 and 34 are directed to corresponding computer program products.

The method recited in claims 1 and 23, for displaying and controlling the transparency of a user interface and a video stream, includes generating and displaying screen data by mixing a user interface and a video stream, wherein the view of the video is dependent on a level of transparency of the user interface. As further recited, received user input comprising selection of one or more buttons on a remote control device of the set-top box controls the level of transparency of the user interface. In particular, the level of transparency of the user interface on the display device is adjusted according to the input received from the user.

The method recited in claims 12 and 34 is similar, only reciting more details. For example, these claims further recite how the user input comprises selection of one or more volume control buttons on a remote control device of the set-top box that have been programmed to adjust transparency. These claim elements are also found in the new dependent claims 40-42. Support for these claim elements is drawn from paragraphs [053]-[054].

---

[1] Claims 1-7, 10-29 and 32-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by Frank. Claims 8, 9, 30 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank in view of Yoneda. Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The claim embodiments recited in claims 17 and 22 are directed to embodiments for individually controlling the transparency of specific items within the user interface, and without affecting the overall global level of transparency of the user interface. Accordingly, the transparency of some items in the user interface can be changed, while others remain unchanged. In these claims, as well as the other claims, however, the transparency is controlled by user input comprising selection of one or more buttons on a remote control device of a set-top box.

Applicants respectfully submit that the cited art, when considered alone, or in combination, fails to anticipate or obviate the claimed invention. In particular, none of the cited art discloses or suggests that user input comprising selection of a button on a remote control device, such as can be used to control a set-top box, can be used to adjust the transparency of video and user interfaces (or any portion thereof) that are simultaneously being displayed. This is particularly true when considering the embodiments recited in the new claims 40-42 and claims 12 and 34, wherein the selected buttons on the remote control comprise volume control buttons.

One benefit for the forgoing is that a user operating in a set-top box environment can use the television remote control to navigate web content and corresponding user interfaces, control the display of video and interactive elements, as well as to control the level of transparency of the video and user interfaces.

In contrast to the present invention, which is configured for use in a set-top box environment, the cited art only refers to managing overlapping windows and for controlling transparency through the use of a standard computer mouse in a standard PC environment. (Frank, Col. 4, ll. 61-67, Col. 9, ll. 8-12; Yoneda, Col. 1, ln. 62). Accordingly, inasmuch as the cited art does not even consider applications for dynamically controlling transparency in

television/set-top box video environment, there would be no motivation or suggestion to configure a remote control to adjust transparency as recited in the present application. In fact, it can also be argued that the cited art fails to anticipate or obviate the claimed invention because the cited art fails to disclose the blending of a 'video stream' with a user interface to create a desired level of transparency for each. In particular, Frank does not even teach or suggest an application to video streams. Instead, Frank is dedicated to teaching systems and methods for blending the images displayed in windows.

Accordingly, for at least the forgoing reasons, Applicants respectfully submit that the pending claims 1-38, 40-42 are in condition for allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of November 2004.

Respectfully submitted,

RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant

Customer No. 47973

W:\14531\140\CM0000004593V001.doc